THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:15602 of 2007

DATED:23-07-2007

BETWEEN:

Kailashini Dalai & 3 others.

..... PETITIONERS

AND

The Revenue Divisional Officer,
Tekkali,
Srikakulam District & 4 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners; learned Government Pleader for Revenue; and the learned counsel appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in delaying the issuance of the community certificates to the petitioners as Bentho Oriya (S.T.) basing on the evidence placed before them, as illegal, and arbitrary.

3. It is the case of the petitioners that applications have been made before the 1st respondent-Revenue Divisional Officer, Tekkali, Srikakulam District for grant of community certificates and the 1st respondent forwarded the said applications to the concerned Mandal Revenue Officers/Tahsildars for verification but community certificates have not been issued so far. Hence, the present Writ Petition.

4. I am not inclined to express any opinion whether the petitioners' surname is 'Dalai' and whether the petitioners belong to Bentho Oriya (S.T.) or not, but I am of the opinion that it is for the competent authority to consider and dispose of the said applications of the petitioners after giving reasonable opportunity to the petitioners and their parents as contemplated under

Rule 5 of the A.P (Scheduled Caste & Scheduled Tribe Backward Classes) Issue of Community, Nativity and Date of Birth Certificates

Rules, 1997 (for brevity, 'the Rules'). However, if the cases of the petitioners are doubtful the competent authority shall refer the matter to the Chairman of the Scrutiny Committee forming at the District level under Rule 8 of the Rules.

5. Learned counsel appearing for the petitioners submits that the petitioners have appeared for the EAMCET examination (Medical) and counselling is scheduled from 24-07-2007 onwards and unless the petitioners provide the community certificates they may not be able to get the seats under the reservation quota.

6. I am not inclined to express any opinion whether the petitioners belong to the Scheduled Tribe or not, but however as the applications are pending before the 1st respondent, 1st respondent is directed to consider and dispose of the same by taking appropriate action under Rule 5 of the Rules as expeditiously as possible in accordance with law without any undue delay.

7. Accordingly Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

23rd July, 2007.

Note:

Furnish C.C. of the order today.

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